

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)

vs.) CRIMINAL NO. 10-00260-KD

JUDSON HAYWARD BURFORD, JR.)

Defendant.

ORDER

A pretrial conference was held before the undersigned on Thursday January 13, 2011. Present at the conference were Arthur Powell, Esq., counsel for the defendant and Assistant United States Attorney George May. Counsel for defendant orally moved the court to continue this trial to the March 2011 term on the grounds, in sum, that as a result of new information, additional time is required to prepare for trial. AUSA May advised that the government has no opposition to the motion.

Upon consideration of the grounds presented by counsel at the pretrial conference, the undersigned finds that neither the defendant nor the United States will be unduly prejudiced by a continuance into the March 2011 term; therefore, the defendant's motion to continue is **GRANTED** and the trial in this action is **CONTINUED** into the **March 2011** criminal trial term.

The court further finds that pursuant to 18 U.S.C. 3161(h)(7)(A), the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial. Specifically, the continuance is warranted to enable counsel to adequately prepare for trial. Under these circumstances, with an agreement of the parties, counsel has proffered valid reasons for an extension of the pretrial preparation period in order to otherwise prepare for

trial. *See* 18 U.S.C. 3161(h)(7)(B)(iv). Therefore, for purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C. 3161(h)(7)(A) (excluding A[a]ny period of delay resulting from a continuance granted by any judge . . . if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.)

The continuance of this matter is contingent on the defendant filing a waiver of his Speedy Trial rights, signed by the defendant and his counsel, not later than **January 24, 2011**. The Clerk of the Court is directed to refer this matter to Magistrate Judge Bert Milling to set a pretrial conference in **February 2011**.

DONE this the 18th day of January 2011.

/s/ Katherine P. Nelson
KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE